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Appointment of the Secretary-General of the United Nations

Revitalization of the work of the General Assembly

Identical letters dated 1 February 2017 from the Permanent Representative of Japan to the United Nations addressed to the Secretary-General and the President of the Security Council

I have the honour to transmit herewith a note on the selection process for the Secretary-General of the United Nations (see annex). The note is written in my personal capacity, based on my experience, especially as the President of the Security Council for the month of July 2016.

I hope this note will serve as a reference for future selection processes.

I should be grateful if you would circulate the present letter and its annex as a document of the seventy-first session of the General Assembly, under agenda items 113 and 121, and of the Security Council.

(*Signed*) Koro **Bessho**
Ambassador Extraordinary and Plenipotentiary
Permanent Representative of Japan to the United Nations

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Annex to the identical letters dated 1 February 2017 from the Permanent Representative of Japan to the United Nations addressed to the Secretary-General and the President of the Security Council

Selection process for the Secretary-General of the United Nations: achievements and lessons learned

I. Introduction

1. There is no doubt that the selection of the new Secretary-General of the United Nations was one of the most important missions that the Security Council accomplished in 2016. On 6 October 2016, the Council adopted, by acclamation, resolution 2311 (2016), which stated:

> "The Security Council,
>
> "Having considered the question of the recommendation for the appointment of the Secretary-General of the United Nations,
>
> "Recommends to the General Assembly that Mr. António Guterres be appointed Secretary-General of the United Nations for a term of office from 1 January 2017 to 31 December 2021".

2. Japan was actively engaged in the process for the selection of the new Secretary-General from its early stages until its conclusion, and, as the President of the Security Council for the month of July 2016, oversaw a critical juncture in the selection process. This paper is intended to provide an overview of the entire selection process, with specific emphasis on the process within the Council, and an exposition of the achievements made during the 2016 process and lessons learned for future selection processes. In my personal capacity, I have included some suggestions for future consideration.

II. Overview of the selection process

3. The starting point of the selection process of the new Secretary-General was the adoption by the General Assembly of resolution 69/321 on 11 September 2015. A joint letter by the Presidents of the General Assembly and the Security Council, containing a description of the entire process and inviting candidates to be presented in a timely manner, as stipulated in paragraph 35 of the aforementioned resolution, was submitted on 15 December 2015 (A/70/623-S/2015/988). In the joint letter, it was stipulated that: "the Council begins its selection by the end of July 2016".

4. The next milestone was the inaugural round of informal dialogues held in April 2016, chaired by the President of the General Assembly. For the first time in the history of the United Nations, the General Assembly held hearings for each candidate for the position of Secretary-General. These informal dialogues attracted much attention from the international community. Against this backdrop, the key question at that time was how the Security Council would address the issue of the selection of the next Secretary-General. It was under the presidency of Egypt, in the month of May

2016, that the Council initiated extensive discussions on the selection process. On 25 May 2016, the President of the Security Council announced at the Security Council stakeout that, based on the joint letter of 15 December 2015, the Council had agreed to meet with any candidate who requested a meeting with the Council. This marked the first time in history that the Council had met with the candidates. The Council held three informal meetings with the candidates for Secretary-General in June 2016 under the presidency of France, nine in July under the presidency of Japan, and one in October under the presidency of the Russian Federation.

5. Another key factor in the selection process was how the straw poll process was to be conducted. As mentioned above, the joint letter of 15 December 2015 only stated that "the Council begins its selection by the end of July 2016". No members of the Security Council questioned that the "selection" would involve straw polls. The issue at hand was when and how the straw polls would be conducted. Based on the discussions held during the presidency of Egypt in May 2016, France, in its capacity as President for the month of June, developed the process and formulated the modalities of the straw polls in consultation with the members of the Council. With regard to the date of the first straw poll, the members of the Council, after intensive deliberations, agreed that it would be 21 July 2016, keeping in mind the text and the spirit of the joint letter of 15 December 2015. The President of the Council subsequently conveyed this information to the President of the General Assembly in a letter dated 15 June 2016, which the President of the General Assembly in turn forwarded to all Permanent Representatives and observers on the same day.

6. Japan, as the President of the Security Council for the month of July 2016, finalized the modalities of the straw polls in detail and organized the first straw poll on 21 July. These modalities were in line with those used in previous selection processes. With regard to communications about the straw polls to be made by the President of the Security Council to the President of the General Assembly, the press and the Permanent Representatives of nominating Member States, a procedure was specified in advance to reflect past practice. At the same time, however, a few changes were made. For example, during the 2016 process, each ballot paper contained the name of only one candidate, an alteration from the 2006 selection process in which all candidates were listed on one ballot paper, in order to make sure that the pattern of voting did not reveal the Council member who had cast that particular ballot.

7. The culmination of the selection process in the Security Council was the sixth and final straw poll conducted on 5 October 2016. It was not easy to decide when to introduce "colour-coded" ballot papers in order to clarify the intent of the permanent members. Some members sought to introduce colour-coded ballot papers at the fourth straw poll, as had been the case 10 years before, while others felt it was best left as late as possible in order for a clear winner to emerge before turning to colour-coded ballot papers to find out the intentions of the permanent members. In the end, colour-coded ballot papers were introduced at the sixth straw poll. Following the sixth straw poll, it was confirmed that the Security Council as a whole would recommend to the General Assembly that Mr. António Guterres be appointed Secretary-General. The adoption of Security Council resolution 2311 (2016) by acclamation on 6 October 2016 was thus a precious opportunity for the Council to show its unity.

III. Achievements and lessons learned

8. Reflecting on the process for the selection of the Secretary-General in 2016, several notable achievements stand out, as well as lessons to be learned for future processes.

A. "Transparency" led by the General Assembly

9. One key word that symbolizes the 2016 process is "transparency." As the international community faced so many fierce conflicts and instabilities, expectations for the new Secretary-General were higher than ever before. Echoing such high expectations, it was natural that there were increased calls for transparency and openness in the selection process of the new Secretary-General.

10. One concrete example of change is the aforementioned joint letter of 15 December 2015 issued by the Presidents of the General Assembly and the Security Council. Based on General Assembly resolution 69/321, the joint letter defined the overall framework of the selection process and announced it to the entire membership of the United Nations. This alone represented significant progress in terms of transparency in comparison with previous selection processes.

11. Until the 2016 selection process, the procedures for presenting candidatures for the post of Secretary-General had been somewhat unclear, and transparency had not necessarily been guaranteed. However, during the 2016 selection process, a joint letter by the Presidents of the General Assembly and the Security Council informing all Member States of a new candidature was issued every time both Presidents received a written notification from the Permanent Representative of a Member State nominating a candidate.

12. While these developments are significant, the most striking example of transparency was the series of informal dialogues held in the General Assembly. In these informal dialogues, each and every candidate was given a two-hour session to present his or her visions and priorities as Secretary-General. During this session, groups of Member States, individual Member States and representatives of civil society posed questions for each candidate to answer. Each informal dialogue was broadcast live and archived on UN WebTV, viewable by anyone with an Internet connection. The informal dialogues, well attended by the United Nations community and skilfully conducted by the President of the General Assembly, were considered by some to be the "primaries" for the next Secretary-General of the United Nations. In essence, the informal dialogues represented a symbol of transparency. They also seem to have provided the members of the Security Council with the basis for making an informed decision on the selection of the new Secretary-General.

B. Role played by the Security Council

13. How did the Security Council react to the increased transparency led by the General Assembly, in terms of the selection process? Was the Security Council able to respond to the voices and concerns raised by the international community calling for transparency?

14. The Security Council undoubtedly played its part in drafting the joint letter by the Presidents of the General Assembly and the Security Council. While negotiations on the joint letter encountered some difficulties and challenges, the members of the Council at the time agreed on the text in the spirit of compromise in order to move the process forward.

15. Additionally, some members of the Security Council, having been inspired by the success of the informal dialogues of the General Assembly, raised the issue of holding hearings in the Council. As a result, hearings with the candidates, which were called "informal meetings", were held by the Council as well. These informal meetings were crucial, as they enabled Council members to exchange views with individual candidates and to conduct a more substantial decision-making process. These meetings were held in a closed setting (at the Permanent Mission of the Member State of the President of the month) in order to avoid duplication with, and differentiate from, the informal dialogues of the General Assembly. However, for the sake of transparency, Council members reached consensus on making public the fact that these meetings were held. This was duly implemented by the President of the Security Council for the month of July 2016.

C. Straw poll results and confidentiality

16. While efforts for greater transparency in the selection process were welcomed by Member States, the Security Council faced severe criticism over the handling of the results of straw polls. A consensus was reached in the Council during the month of June not to disclose the results to the public. However, the press, civil society and the President of the General Assembly of the seventieth session called for the disclosure of the results throughout the process. Putting into perspective the rising number of calls for greater transparency, the President of the Council in July once again consulted with other members of the Council on this matter. Nonetheless, the Council's position did not change, and the results of all straw polls remained confidential.

17. On 21 July 2016, the first round of straw polls took place. Soon after the straw poll ended, the results of the straw poll were leaked in detail and were widely reported in the media. This clearly indicates that one or more Security Council members intentionally or inadvertently gave away the information, although it was the rule, agreed by consensus, to keep the results secret. No member admitted to being the guilty party and the situation repeated itself throughout the process. It was regrettable that such a breach, one which put those who adhered to the rule in an embarrassing or difficult position, persisted. This situation strengthened arguments to officially announce the results rather than allowing them to leak every time.

18. At the informal consultations of the Security Council on 25 July, the selection process of the Secretary-General was raised under the item "Any other business" in order to discuss this issue of the straw poll results. Some members called for announcing the results to the public, while others objected and voiced their opinions that the confidentiality should be maintained. This divergence of views persisted, preventing the Council from concurring on the announcement of the results of the straw poll.

19. There were two different arguments opposing the announcement of the results. The first was a more formalistic one. It was centred on the fact that past practice was very clear and also that, once the Security Council had decided by consensus on the confidentiality at the beginning of the process for 2016, that decision should not be changed during the process in the same year unless agreed upon by consensus. The more substantive argument was that the official role of the Security Council in the selection process of the Secretary-General is the adoption of a resolution recommending a candidate to the General Assembly. According to this argument, the straw polls constitute an internal process conducted ahead of such a formal decision, so that all Council members may observe the voting patterns of other Council members and consider them within their own decision-making process, and that, as such, their results should not be disclosed to the public. There was also an argument that announcing the results to the public might hurt the dignity of certain candidates and make it difficult for them to leave the process with honour. (There was an opposing argument that, if the results of the straw polls were not known to the public, it would be more difficult for certain candidates to leave the process.)

D. Appropriateness of straw polls

20. Expanding the arguments over making the results of straw polls public ultimately leads to the question as to whether or not straw polls are an appropriate means of decision-making within the Security Council on the selection of the Secretary-General.

21. Should the Security Council continue using straw polls for future processes, it can be argued that the issue of confidentiality should remain unchanged due to the internal character of straw polls. Nevertheless, the rise in the number of calls for greater transparency, as shown in the course of the 2016 selection process, seems far from negligible. This quintessential element of the selection process will require that the Council discuss the appropriateness of the use of straw polls as an internal means of expediting the selection process of the Secretary-General. For reference, it may be helpful to recall that it was during the selection process for the Secretary-General in 1981 that the Council started using the method of straw polls to identify a candidate to be recommended to the General Assembly. Before that time, the Council conducted official votes in private meetings.

E. Narrowing the field of candidates

22. It seems appropriate and necessary to review the procedures for narrowing the field of candidates, which might also affect both the appropriateness and the confidentiality of straw polls. In relation to the withdrawal of candidatures, previously it was the independent decision of each candidate whether or not to withdraw his or her candidature for the position of Secretary-General. The 2016 selection process also followed past practice, since no specific discussions were held on this point. Throughout the 2016 process, only 3 candidates out of 13 withdrew their candidatures of their own will as the straw polls progressed, while the other 10 candidates chose to remain in the straw poll process, regardless of his or her respective standing following each straw poll.

23. This did not help the Security Council in its decision-making process. For the sake of effectiveness, the use of shortlisting candidates over the course of the

selection process is worthy of serious consideration. From this perspective, it may be useful to introduce clear-cut mandatory conditions in order to automatically eliminate candidates who underperform in the selection process, either by allowing only candidates obtaining a minimum number of positive votes to proceed to the next round, disqualifying candidates with a certain number of negative votes or by limiting the Council with regard to the number of candidates who may be retained from one round to the next.

24. Taking into account both past practice and the 2016 process, it may be practical for future processes to be accompanied by a detailed procedure on this question. As for the 2016 selection process, although it was not discussed explicitly, there seems to have been a tacit understanding among the members of the Security Council that a candidature would be withdrawn following a written notification from the candidate and from the Permanent Representative of the Member State nominating the candidate in question. In reality, the three aforementioned candidates who withdrew their candidatures all submitted such written notification. However, there was one case in which a Member State changed its candidate in the middle of the selection process, but the candidate decided to remain in the race. The Council had no clear guideline as to how to deal with such a situation.

IV. Conclusion

25. It goes without saying that, from the perspective of the General Assembly, resolution 69/321 on the revitalization of the General Assembly and the joint letter of 15 December 2015 constitute the foundation of the 2016 selection process for Secretary-General of the United Nations. In particular, the informal dialogues of the General Assembly and the joint letters on respective candidatures are considered best practices to increase transparency. It is without question appropriate and necessary to maintain these practices for the future.

26. The crucial part of the selection process that needs to be reviewed is the issue of the straw polls, both in terms of their confidentiality as well as their very rationale. There is no denying that the Security Council was unable to respond effectively to calls for transparency, which were brought to a higher level than ever before by the informal dialogues of the General Assembly. Conditions for securing the greatest possible transparency should thus be considered in future discussions on improving the selection process for Secretary-General.

27. It may not be appropriate to prejudge the conclusions of such discussions. Nevertheless, the Security Council may judge it appropriate both to replace the straw polls with another method that allows the Council to announce its results, and to introduce, at the same time, conditions to enable the shortlisting of candidates.

28. From this perspective, in order to further enhance transparency, the Security Council might find it useful to decide on the basic principles and rules among its members on the selection process for the Secretary-General and to issue them in the form of a letter by the President of the Council, to the attention of the President of the General Assembly, by the end of January of the final year of the mandate of the incumbent Secretary-General, taking into consideration lead time for candidates, among other factors.

29. Based on my experience and the lessons learned outlined above, in my personal capacity, I would like to make the following suggestions for future consideration:

(a) Straw polls should be replaced by official votes at a private meeting of the Security Council. Ballots should be secret. For each candidate, each member would vote in favour, vote against or abstain. The results of the votes should be included in the communiqué of the Council to be issued in accordance with rule 55 of the provisional rules of procedure of the Security Council. The President should also make the results public;

(b) The first round of such votes should take place within the month of June of the final year of the mandate of the incumbent Secretary-General. The members of the Security Council would discuss, after each round of votes, whether they will proceed to the adoption of a Security Council resolution for recommendation or will continue voting. The President of the Council would make the final decision;

(c) All candidatures should be submitted, in principle, before the first round of voting takes place. A candidate would be eligible to receive votes in the Security Council only after he or she has gone through the processes in the General Assembly and in the Security Council, such as the informal dialogue of the General Assembly and the informal meeting of the Council;

(d) A private meeting is an official meeting of the Security Council, governed by the Charter of the United Nations and the provisional rules of procedure of the Council. The introduction of "colour-coded" ballots should be considered a "procedural matter" in accordance with Article 27, paragraph 2, of the Charter;

(e) For the sake of shortlisting candidates, the two lowest performing candidates should be automatically eliminated from the process following each private meeting for voting, as long as there are more than five candidates remaining;

(f) A Member State may nominate only one candidate. A candidate who loses nomination by a Member State should be automatically eliminated from the process. In addition, a candidate may withdraw his or her candidature voluntarily as well. In both cases, the Permanent Representative of the Member State nominating the candidate in question should accordingly inform the Presidents of the General Assembly and the Security Council in writing.

Enclosure

Chronology of the selection process for the Secretary-General of the United Nations

2015

11 September	Adoption of General Assembly resolution 69/321
15 December	Issuance of the joint letter by the Presidents of the General Assembly and the Security Council

2016

12-14 April	Informal dialogues of the General Assembly with nine candidates
25 May	Informal consultations of the Security Council under the item "Any other business" (Security Council members agreed to meet with any candidate who requested a meeting with the Council)
7 June	Informal dialogues of the General Assembly with two candidates
	Informal meeting of the Security Council with one candidate
15 June	Letter issued by the President of the Security Council to the President of the General Assembly (to inform that the Security Council intended to start the process of the consideration of candidacies on the 21 July)
20 June	Informal meeting of the Security Council with one candidate
27 June	Informal meeting of the Security Council with one candidate
8 July	Informal meeting of the Security Council with one candidate
11 July	Informal meetings of the Security Council with three candidates
12 July	Informal meeting of the Security Council with one candidate
	"Leading the United Nations: A Global Townhall with UN Secretary-General candidates"(UN WebTV)
13 July	Informal meeting of the Security Council with one candidate
14 July	Informal dialogue of the General Assembly with one candidate
15 July	Informal meetings of the Security Council with three candidates
21 July	First round of straw polls
25 July	Informal consultations of the Security Council under the item "Any other business"
	(Security Council members discussed the confidentiality of the straw polls and the way forward)

4 August	Withdrawal of one candidate
5 August	Second round of straw polls
23 August	Withdrawal of one candidate
29 August	Third round of straw polls
9 September	Fourth round of straw polls
12 September	Withdrawal of one candidate
26 September	Fifth round of straw polls
3 October	Informal dialogue of the General Assembly with one candidate
4 October	Informal meeting of the Security Council with one candidate
5 October	Sixth round of straw polls
6 October	Adoption of Security Council resolution 2311 (2016)
13 October	Adoption of General Assembly resolution 71/4
12 December	Oath of office by the new Secretary-General in the General Assembly